

TAX DITCH RIGHT-OF-WAY TASK FORCE
April 23, 2008
Minutes

Representative Thornburg called the meeting to order at 6:12 p.m.

The following Task Force Members were present: Gary Dodge, Lauren Alberti, Rep. Pam Thornburg, Ed Jestice, Dave Toomey, Bill Vanderwende, Carlton Fifer, Richard James, Fred Mott, Frank Piorko, Mike Brown, Elton Murray, and Rep. V. George Carey. Absent: Doug Corey. Also present were the following: Bob Enright, Michele Garner, and Brooks Cahall (DNREC), Robert Mooney (League of Local Governments), Bill Powers (New Castle County 6th District Councilman), and Gary Warren (New Castle County Farm Bureau).

A motion was made and passed to approve the agenda.

A motion was made and passed to approve the minutes of March 17, 2008, as written.

Representative Thornburg spoke of the process to introduce recommendations and legislation. Not all recommendations are expected to pass this legislative session. Recommendations with any type of fiscal note could be held up by the finance committee.

The Task Force members reviewed each item presented in the draft recommendation that had been amended as a result of the March 17th meeting. The discussion results are as follows:

Statement of Findings – okay as presented.

Previous Charge – there was discussion that the wording of the previous charge needed correction and clarification. The “Previous Charge” would be updated to reflect the exact wording regarding the timeline for filing of certified list per House Bill 475 of the 143rd General Assembly and for Senate Concurrent Resolution #27 of the 144th General Assembly.

Recommendation #1 –

- remove last word “enacted” and replace with “signed into law”.
- add sentence “This recommendation will require additional financial resources (see attached)”.

Recommendation #2 –

- remove sentence “This recommendation will require additional financial resources (see attached)”. Move to Recommendation #1.
- There was discussion on what will be filed in the Recorder of Deeds Office. It was explained that each tax ditch would have two (2) certified lists filed in the Prothonotary’s Office, which would then be filed into the Recorder of Deeds Office (each county). One certified list would include the owners name & parcel number of all parcels affected by a tax ditch assessment only. The other certified list would include the owners name & parcel number of all parcels affected by a tax ditch right-of-way and assessment.

TAX DITCH RIGHT-OF-WAY TASK FORCE

April 23, 2008 Minutes

Page 2 of 3

Recommendation #2A –

- addition of the word “nearest” in the sentence describing top of ditch bank. This was suggested to clarify which bank is used for reference point.

Recommendation #3 - okay as presented.

Recommendation #4 -

- 1st paragraph, 2nd sentence, change the word “eliminated” to “exempted”.
- 2nd paragraph, 1st sentence, change the word “would” to “may”.
- 2nd paragraph, last sentence, remove entire sentence.
- There was discussion on the feasibility of leaving this sentence in so that legal staff writing the definitions for permanent structures (Recommendation #9) would not include fences as being grandfathered structures. It was stated by Rep. Thornburg that legal staff would be informed regarding “fences” not being grandfathered by new legislation.
- 3rd paragraph, 2nd sentence, change wording “effective date of legislation” to “signed into law”.

Recommendation #5 –

- Item #1, 1st sentence, change wording “effective date of legislation” to “legislation is signed into law”.
- Item #2, 1st sentence, change wording “effective date of legislation” to “legislation is signed into law”.
- Item #5, 1st sentence, change wording “effective date of legislation” to “legislation is signed into law”.
- Item #5, 1st sentence, change word “assessed” to “charged”.
- Item #5, 2nd sentence, change word “assessment” to “charge or special assessment”.
- remove sentence “This recommendation will require additional financial resources (see attached)”.

Recommendation #6 –

- 1st paragraph, 3rd sentence, remove & replace with “Compensation for the Appeals Board and support staff is recommended.”
- 1st paragraph, 4th sentence, add at the end of sentence “and a filing fee paid by the landowner could assist in administrative costs for the appeals process”.

Recommendation #7 –

- remove sentence “This recommendation will require additional financial resources (see attached)”.
- There was a suggestion that a curriculum could be developed to attract professionals to receive training (surveyors, attorneys, etc.). Many professionals have to attend continuing education classes. DNREC possibly could have some staff become certified trainers and courses/training could be fee based to offset administrative costs.

TAX DITCH RIGHT-OF-WAY TASK FORCE

April 23, 2008 Minutes

Page 3 of 3

Recommendation #8 –

- 4th paragraph, remove “causes an increase to” to “including, but not limited to any change that would increase demands or”.

Recommendation #9 –

- Add to “Obstruction” (definition) additional wording of “for flow in channel and within the right-of-way”.

The changes discussed (above) would be incorporated into a final draft and sent by April 28th to all Task Force Members for their endorsement. Task Force Members were asked to respond to Michele Garner (DNREC) with their endorsement or concerns by May 2nd.

Representative Thornburg opened the floor for public comment and discussion regarding any remaining concerns.

Representative Thornburg thanked the members of the Task Force for their hard work.

Meeting adjourned at 8:35 p.m.

Respectfully Submitted,

A handwritten signature in black ink that reads "Michele L. Garner". The signature is written in a cursive, flowing style.

Michele L. Garner
Administrative Specialist II